

Message Text

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ACTION EA-10

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R 180851Z MAR 75

FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC 2943

INFO AMEMBASSY BANGKOK

CINCPAC

C O N F I D E N T I A L VIENTIANE 1904

CINCPAC FOR POLAD

E.O. 11652: GDS

TAGS: PINT, LA

SUBJ: STATUS OF JNPC DECLARATION ON DEMOCRATIC RIGHTS AND
FREEDOMS

1. IN CONVERSATION WITH DCM, PGNU SECRETARY GENERAL PHENG NORINDR SAID THAT JOINT NATIONAL POLITICAL COUNCIL'S DECLARATION ON DEMOCRATIC RIGHTS AND FREEDOMS, WHICH WAS YET TO BE PUBLISHED, HAD BEEN SIGNED BY PRIME MINISTER AND BY PRINCE SOUPHANOQVONG LAST DECEMBER BUT WAS STILL ON HIS (PHENG'S) DESK BECAUSE SOUPHANOUVONG WAS INSISTING THAT DECLARATION HAVE THE STATUS OF LAW.

2. PHENG EXPLAINED TO DCM THAT VIENTIANE SIDE DID NOT AGREE THAT DECLARATION COULD OR SHOULD HAVE STATUS OF LAW. MINISTER OF JUSTICE, AMONG OTHERS, HAD CITED A VARIETY OF OBJECTIONS: ONLY NATIONAL ASSEMBLY IS EMPOWERED TO ENACT A LAW; LAW NO. 57/30, PASSED BY NATIONAL ASSEMBLY IN 1957, REMAINS ON THE BOOKS AND TREATS MUCH THE SAME SUBJECT MATTER; AND UNLESS OR UNTIL LAW NO. 57/30 IS SOMEHOW VALIDLY REPEALED OR ABROGATED, THE OVERLAPPING JNPC DECLARATION, IF IMPLEMENTED AS A LAW, WOULD CREATE
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LEGAL IMBROGLIO. ACCORDING TO PHENG, SOUVANNA AGREES

WITH THESE OBJECTIONS. SO FAR, HOWEVER, SOUPHANOUVONG HAS REFUSED TO ACCEPT ANY COMPROMISE, SUCH AS ISSUING DECLARATION AS A PRESIDENTIAL DECREE (I.E., BY SOUVANNA AS PRESIDENT OF COUNCIL OF MINISTERS), AND PHENG HAS HELD THE WHOLE MATTER TO AVOID PASSING TOO MANY DIFFICULT PROBLEMS TO SOUVANNA AT ONCE.

3. COMMENT: ENGLISH TRANSLATION OF LAW NO. 57/30 WAS TRANSMITTED TO DEPARTMENT AS ENCLOSURE TO VIENTIANE A-21, AS WAS ORIGINAL DRAFT OF DECLARATION APPROVED BY JNPC AND PUBLISHED JUNE 1, 1974. WHILE PHENG ASSERTED THAT DECLARATION SIGNED BY TWO PRINCES LEFT ORIGINAL DRAFT UNCHANGED, ACCORDING TO REPORTING IN OTHER CHANNELS THE CHANGES PROPOSED BY MINISTER OF JUSTICE WERE APPROVED BY CABINET LAST DECEMBER.

4. PHENG NORINDR IS NOT ALWAYS TOTALLY ACCURATE IN MATTERS OF DETAIL, BUT HIS ACCOUNT PROVIDES A PLAUSIBLE EXPLANATION FOR OTHERWISE PUZZLING NON-PUBLICATION OF THE DECLARATION TO DATE. WE ASSUME SOUPHANOUVONG'S INTEREST IN HAVING DECLARATION ACQUIRE FORCE OF LAW IS TO ESTABLISH PRECEDENT FOR OTHER DOCUMENTS WHICH JNPC MAY ADOPT IN FUTURE AND INDICATES HIS CONTINUING DRIVE TO HAVE JNPC GAIN CONTROL OF LEGISLATIVE POWERS.
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